

MEETING AGENDA



MEETING **Accountability & Transparency Committee**

DATE July 22, 2008

LOCATION Committee Room A
TIME 5:00 p.m.

CHAIR Councillor Vicki Beard

AGENDA ITEMS

ITEM #	DESCRIPTION
1	Adoption of Minutes – June 24, 2008
2	Discretionary Positions Under Municipal Act
3	Next Meeting
4	Adjourn

MEETING MINUTES



MEETING	Accountability & Transparency Committee
DATE	June 24, 2008
LOCATION	Committee Room A
TIME	5:00 p.m.
PRESENT	Councillor Beard - Chair; Jean McKenzie Leiper, Christopher Moes and Rolf Pedersen
STAFF	Lois A. Giles, Director of Information Services/City Clerk/; Tina Agnello, Deputy City Clerk; and Joyce Sweeney, Council Committee Co-ordinator
REGRETS	Scott Butler and Todd Dennis

1. Moved by Rolf Pedersen and Seconded by Jean McKenzie Leiper THAT the minutes of the Accountability & Transparency Committee meeting held on March 11, 2008 be confirmed as recorded and without being read.

Carried

Council Code of Conduct

The Committee discussed in detail the draft policy with respect to a Council Code of Conduct.

2. Moved by Jean McKenzie Leiper and Seconded by Christopher Moes THAT the attached policy with respect to a Council Code of Conduct, be approved.

Carried

The City Clerk reviewed the tasks remaining for the Committee to consider with respect to the various discretionary positions.

Next Meeting:- to be determined

The meeting adjourned at 7:00 p.m.

COMMITTEE REPORT



TO Accountability & Transparency Committee

SERVICE AREA Information Services
DATE July 17th, 2008

SUBJECT Discretionary Positions under Municipal Act

RECOMMENDATION

THAT no action be taken at this time to appoint the following discretionary positions under the Accountability and Transparency provisions of the Municipal Act:

- Integrity Commissioner
- Auditor General
- Lobbyist Registrar
- Ombudsman

AND THAT the appointment of these discretionary positions be reviewed again prior to the end of the current term of Council.

AND THAT City staff develop a process for responding to a complaint that a contravention of the Code of Conduct may have occurred;

BACKGROUND

In 2007, Council established a special committee to make recommendations with respect to the new accountability and transparency provisions in the Municipal Act. The committee has already fulfilled part of its mandate with respect to the development of mandatory policies, appointment of a meeting investigator and development of a code of conduct. The most recent focus of the committee has been on the appointment of discretionary positions under the Municipal Act.

REPORT

Under the Accountability and Transparency provisions of the Municipal Act, a council has the discretion to appoint the following positions:

1. Integrity Commissioner who reports to council and who is responsible for performing the functions assigned by the municipality regarding the code of conduct for members of council and for members of local boards.
2. Registrar responsible for a lobby registration which is a formal tracking of lobbyists and their meetings with public officials that would be made available for public inspection.

3. Ombudsman responsible for investigating in an independent manner any decision or recommendation made or act done or omitted in the course of the administration of the municipality, its local boards and such municipally-controlled corporations as the municipality may specify.
4. Appoint an Auditor General responsible for assisting Council in "holding itself and its administrators accountable for the quality of stewardship over public funds and for achievement of value for money in municipal operations". This does not include the duties of the municipal auditor.

These provisions of the Municipal Act were developed to address issues of accountability and transparency in municipal administration, largely resulting from the Bellamy (Toronto computer leasing) and Sills (Waterloo RIM Park) inquiries. The City of Toronto Act requires that the above positions be appointed and has budgeted in 2008 an amount of \$5.462 million dollars to cover the associated costs, the majority of which is allocated to the Auditor General.

For the balance of Ontario, these appointments are discretionary. As far as we can determine, only a few of the 445 Ontario municipalities have established any of these discretionary positions. The most common appointment is the position of Integrity Commissioner. The majority of the individuals who have been appointed to this position, have a background in law. It is my understanding that similar to the AMO/LAS meeting investigation service, most municipalities have made a financial arrangement that includes an annual retainer, daily rates for conducting inquiries, and expenses.

Below is a summary of the information staff have been able to obtain with respect to appointments for these discretionary positions:

Integrity Commissioner	Lobbyist Registrar	Ombudsman	Auditor General
Hamilton Meaford Oakville Port Hope Toronto Vaughan Woodstock	Toronto	None	Ottawa Toronto

The City's Finance, Administration & Corporate Services Committee is currently looking into the establishment of an internal audit function for the City that would deal with matters of internal financial control. This function would operate independently of the annual audit process, and report directly to the Audit Committee. Until such time as an internal audit function is established and functioning, appointment of an Auditor General would likely be premature.

Since there is such limited experience in Ontario at this time with respect to these appointments, it is staff's recommendation that no action be taken at this time to establish the discretionary positions. It is further recommended that this be reviewed

again prior to the end of this term of Council. Hopefully at that time, there will be some municipal experience that will guide the decision making process at that time with respect to these positions.

If an Integrity Commissioner is not to be appointed at this time, it is recommended that staff develop procedures for responding to a complaint that a contravention of the code of conduct may have occurred.

CORPORATE STRATEGIC PLAN

This recommendation supports Goal 5 of the Strategic Plan to have a community-focused, responsive and accountable government.

FINANCIAL IMPLICATIONS

N/A

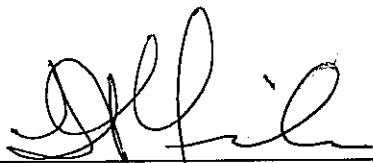
DEPARTMENTAL CONSULTATION

Corporate Services

COMMUNICATIONS

N/A

ATTACHMENTS



Recommended By:

Lois A. Giles,
Director of Information Services/Clerk.